

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-v-

1:19-cr-00561 (LAP)

STEVEN DONZIGER,

Defendant

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DECLARATION

Ronald L. Kuby, an attorney duly admitted to practice in the State of New York and this Court, hereby declares, under the pains of perjury, as follows:

1. At the request of Mr. Donziger, I entered an appearance in *In re: Steven Donziger*, 20-1940 (2d Cir.). Said action is a Petition for Writ of Mandamus, challenging Judge Kaplan's appointment of a Chevron-linked, private, for-profit prosecutor, to prosecute Mr. Donziger, after the United States Attorney for the Southern District of New York declined to pursue the case.

2. I have received a copy of this Court's April 24, 2020 order, directing Mr. Frisch, Mr. Donziger's former counsel, to be prepared to try this case on September 9, 2020.

3. Mr. Donziger has requested my assistance as counsel at his trial. Due to a variety of professional and personal commitments, combined with the time needed to prepare for trial of six separate petty offenses, each with its own discrete

facts and orders allegedly violated,¹ I would not be in a position to try this case on September 9, 2020. However, I will commit to this Court, barring the occurrence of events such as an asteroid strike, a resurgence of the pandemic requiring lockdown orders, or the suspension of civil government over election results,² I will be prepared to try this case on December 7, 2020.

4. I will be present by telephone, as a spectator only, on the scheduled Thursday telephone/in-person conference, should the Court wish to direct inquiries at me.

_____/s/_____

Ronald L. Kuby

Dated: August 25, 2020

¹ Independent prosecutors, neither monetizing this case nor beholden to the aggrieved party that appointed them, might well have elected to streamline their case and proceed on two of the strongest charges, while forgoing the others.

² This list is illustrative, not exhaustive.